

Senate Bill No. 1165

CHAPTER 236

An act to amend Sections 6751, 6755, 6756, 6762, 6763.5, 6796, 6796.3, 6796.5, 6799, 7835, 7835.1, 7841, 7841.2, 7842, 7843, 7850, 7850.1, 7850.5, 7852, 7852.1, 7884, 8731, 8740, 8741, 8741.1, 8742, 8743, 8744, 8747, 8748.5, 8802, 8803, 8803.1, and 8805 of the Business and Professions Code, relating to professions and vocations.

[Approved by Governor August 29, 2016. Filed with
Secretary of State August 29, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1165, Cannella. Engineers, geologists, geophysicists, and land surveyors.

The Board for Professional Engineers, Land Surveyors, and Geologists, which is within the Department of Consumer Affairs, administers the Professional Engineers Act, the Geologist and Geophysicist Act, and the Professional Land Surveyors' Act. Those acts provide for licensure and regulation of those respective professions by the board.

The Professional Engineers Act requires an applicant for registration as a professional engineer to meet specified requirements, including that an applicant for the 2nd division examination has successfully passed the first division examination. That act requires an applicant for a certificate as an engineer-in-training to meet specified requirements and requires the applicant to satisfactorily complete 3 years or more of postsecondary education or engineering experience, or a combination of both, before the applicant is eligible to sit for the first division examination. That act authorizes the board to waive the first division examination for an applicant whose education and experience substantially exceeds the requirements for registration or certification. That act generally permits certificates of registration as a professional engineer and certificates of authority, which authorize the use of specific titles, to be renewed at any time within 3 years after expiration. That act prohibits the renewal, restoration, reinstatement, or reissuance of these certificates unless the applicant meets certain requirements. That act requires the board to set fees, as specified, and requires the renewal fee for a license to be no more than the application fee currently in effect and prohibits the application fee from being greater than \$400.

This bill would delete the requirement that an applicant for licensure as a professional engineer pass the first division examination in order to sit for the 2nd division examination and would delete the requirement that an applicant for a certificate as an engineer-in-training successfully complete 3 years or more of postsecondary education or engineering experience, or a combination of both, before the applicant is eligible to sit for the first

division examination. The bill would instead authorize the board to provide for a waiver of the first division examination for an applicant for a certificate as an engineer-in-training if the applicant's education and experience substantially exceeds the requirements for a certificate. The bill would extend the 3-year renewal period to 5 years after expiration of the certificate of licensure or certificate of authority. The bill would generally prohibit the renewal, restoration, reinstatement, or reissuance of those certificates after 5 years and would authorize the holder of the certificate, after that time, to apply and obtain a new certificate if he or she has not committed acts or crimes that are grounds for denial and he or she passes an examination, if required. The bill would require the renewal fee for a license to be no more than \$400. The bill would also make other technical and conforming changes.

Existing law, the Geologist and Geophysicist Act, requires an applicant for licensure as a geologist to meet certain requirements, including graduation from a college or university with a major in geological sciences or any other discipline, that, in the opinion of the board, is relevant to geology, and requires an applicant for a certification in a specialty in geology to meet certain requirements, including 7 years of specified professional geological work. That act also requires an applicant for certification as a geologist-in-training to meet certain requirements, including graduation from a college or university with a major in geological sciences or any other discipline, that, in the opinion of the board, is relevant to geology. That act prescribes requirements for plans, specifications, reports, or other documents prepared by a professional geologist or geophysicist, or by a subordinate, including a requirement that they be signed or stamped with the practitioner's seal. Existing law authorizes geologists, specialty geologists, geophysicists, and specialty geophysicists to obtain a seal that meets specified requirements.

This bill would additionally allow an applicant for licensure as a geologist, or for certification as a geologist-in-training, instead of the applicable graduation requirements described above, to have completed a combination of at least 30 semester hours, or the equivalent, in courses that, in the opinion of the board, are relevant to geology and would require that at least 24 semester hours, or the equivalent, be in upper division or graduate courses. The bill would additionally require an applicant for a certification in a specialty in geology to successfully pass a written examination in that specialty. The bill would require the plans, specifications, reports, and other documents prepared by geologists or geophysicists, or their subordinates, to be both signed and stamped. The bill would instead require geologists, specialty geologists, geophysicists, and specialty geophysicists to obtain a seal.

The Professional Land Surveyors' Act requires an applicant for licensure under the act to meet specified requirements, including successfully passing the 2nd division of the examination, and requires an applicant for a certificate as a land surveyor-in-training to meet specified requirements, including passing the first division of the examination. That act requires an application for each division of the examination to be made to the board, as specified. That act generally permits licensees to be renewed at any time within 3

years after expiration. The act prohibits the renewal, restoration, reinstatement, or reissuance of a license unless the applicant meets certain requirements. That act requires the board to set fees, as specified, and requires the renewal fee for a license to be no more than the application fee currently in effect and prohibits the application fee from being greater than \$400.

This bill would additionally require an applicant for certification as a land surveyor-in-training and an applicant for licensure as a land surveyor to not have committed specified acts or crimes constituting grounds for denial of licensure. The bill would require an applicant for a certification as a land surveyor-in-training to have satisfactorily completed 2 years or more of postsecondary education in land surveying or experience in land surveying, or a combination of both, and would authorize the board to prescribe the reasonable educational or experience requirements an applicant needs to meet by regulation. The bill would additionally require an applicant for licensure as a land surveyor to be certified as a land surveyor-in-training in this state, be certified as a land surveyor-in-training or surveyor intern in another state or United States territory, or be exempt, as specified. The bill would instead require an application for certification or licensure under the act to be made to the board on a form prescribed by the board. The bill would extend the period within which a renewal of a license may be made to 5 years after expiration. The bill would generally prohibit the renewal, restoration, reinstatement, or reissuance of a license after 5 years and would authorize the holder of a license, after that time, to apply and obtain a new license if he or she has not committed acts or crimes that are grounds for denial and he or she passes an examination, if required. The bill would require the renewal fee for a license to be no more than \$400. This bill would also make other technical and conforming changes.

The people of the State of California do enact as follows:

SECTION 1. Section 6751 of the Business and Professions Code is amended to read:

6751. (a) The applicant for certification as an engineer-in-training shall comply with all of the following:

(1) Not have committed acts or crimes constituting grounds for denial of licensure under Section 480.

(2) Successfully pass the first division of the examination.

(3) Satisfactorily complete three years or more of postsecondary engineering education, three years or more of engineering experience, or a combination of postsecondary education and experience in engineering totaling three years.

(b) The board need not verify the applicant's eligibility for certification as an engineer-in-training other than to require the applicant to sign a statement of eligibility on the application form.

(c) The applicant for licensure as a professional engineer shall comply with all of the following:

(1) Not have committed acts or crimes constituting grounds for denial of licensure under Section 480.

(2) Furnish evidence of six years or more of qualifying experience in engineering work satisfactory to the board evidencing that the applicant is competent to practice the character of engineering in the branch for which he or she is applying for licensure.

(3) Be certified as an engineer-in-training in this state, be certified as an engineer-in-training or engineer intern in another state or territory of the United States, or be exempt therefrom.

(4) Successfully pass the second division of the examination.

SEC. 2. Section 6755 of the Business and Professions Code is amended to read:

6755. (a) Examination duration and composition shall be designed to conform to the following general principle: The first division of the examination shall test the applicant's knowledge of appropriate fundamental engineering subjects, including mathematics and the basic sciences; the second division of the examination shall test the applicant's ability to apply his or her knowledge and experience and to assume responsible charge in the professional practice of the branch of engineering in which the applicant is being examined.

(b) The board may by rule provide for a waiver of the first division of the examination for applicants whose education and experience qualifications substantially exceed the requirements of subdivision (a) of Section 6751.

(c) The board may by rule provide for a waiver of the second division of the examination for persons eminently qualified for licensure in this state by virtue of their standing in the engineering community, their years of experience, and those other qualifications as the board deems appropriate.

SEC. 3. Section 6756 of the Business and Professions Code is amended to read:

6756. (a) An applicant for certification as an engineer-in-training shall, upon meeting all of the requirements prescribed in subdivisions (a) and (b) of Section 6751, be issued a certificate as an engineer-in-training. A renewal or other fee, other than the application and examination fees, shall not be charged for this certification. The certificate shall become invalid when the holder has qualified as a professional engineer as provided in Section 6762.

(b) An engineer-in-training certificate does not authorize the holder thereof to practice or offer to practice civil, electrical, or mechanical engineering work, in his or her own right, or to use the titles specified in Sections 6732, 6736, and 6736.1.

(c) It is unlawful for anyone other than the holder of a valid engineer-in-training certificate issued under this chapter to use the title of "engineer-in-training" or any abbreviation of that title.

SEC. 4. Section 6762 of the Business and Professions Code is amended to read:

6762. Any applicant for licensure as a professional engineer, upon meeting all of the requirements prescribed in subdivision (c) of Section 6751 and who has otherwise qualified hereunder as a professional engineer, shall have a certificate of registration issued to him or her as a professional engineer in the particular branch for which he or she is found qualified.

SEC. 5. Section 6763.5 of the Business and Professions Code is amended to read:

6763.5. If an applicant for licensure as a professional engineer, for certification as an engineer-in-training, or for authorization to use the title “structural engineer” or “soil engineer” is found by the board to lack the qualifications required for admission to the examination for such licensure, certification, or authorization, the board may, in accordance with the provisions of Section 158 of this code, refund to him or her one-half of the amount of his or her application fee.

SEC. 6. Section 6796 of the Business and Professions Code is amended to read:

6796. Except as otherwise provided in this article, certificates of registration as a professional engineer and certificates of authority may be renewed at any time within five years after expiration on filing of application for renewal on a form prescribed by the board and payment of all accrued and unpaid renewal fees. If the certificate is renewed more than 60 days after its expiration, the certificate holder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs.

The expiration date of a certificate renewed pursuant to this section shall be determined pursuant to Section 6795.

SEC. 7. Section 6796.3 of the Business and Professions Code is amended to read:

6796.3. (a) Certificates of registration as a professional engineer, and certificates of authority to use the title “structural engineer,” “soil engineer,” or “consulting engineer” that are not renewed within five years after expiration shall not be renewed, restored, reinstated, or reissued. After five years after expiration, the holder of a certificate may apply for and obtain a new certificate subject to the following:

(1) He or she has not committed any acts or crimes constituting grounds for denial of licensure under Section 480.

(2) He or she takes and passes the examination, if any, that would be required of him or her if he or she were then applying for the certificate for the first time.

(b) The board may, by regulation, provide for the waiver or refund of all or any part of the application fee in those cases in which a certificate is issued without an examination pursuant to this section.

SEC. 8. Section 6796.5 of the Business and Professions Code is amended to read:

6796.5. Once an expired or delinquent certificate of registration or certificate of authority is renewed pursuant to Section 6796, all of the following shall apply:

(a) The board shall continue to have full jurisdiction and authority over the certificate holder as if the authority had not expired or become delinquent.

(b) The work performed by the certificate holder during a period of expiration or delinquency shall be deemed lawful and validly performed as to persons or entities other than the authority holder.

(c) The renewal of a registration or certificate of authority shall not affect liability issues regarding work performed during a period of expiration or delinquency, nor does the fact of performance during a period of expiration or delinquency affect liability issues.

SEC. 9. Section 6799 of the Business and Professions Code is amended to read:

6799. (a) The amount of the fees prescribed by this chapter shall be fixed by the board in accordance with the following schedule:

(1) The fee for filing each application for licensure as a professional engineer and each application for authority level designation at not more than four hundred dollars (\$400) and for each application for certification as an engineer-in-training at not more than one hundred dollars (\$100).

(2) The fee to take an examination administered by a public or private organization pursuant to Section 6754 shall be no greater than the actual cost of the development and administration of the examination and may be paid directly to the organization by the applicant.

(3) The renewal fee for each branch of professional engineering in which licensure is held, and the renewal fee for each authority level designation held, at no more than four hundred dollars (\$400).

(4) The fee for a retired license at not more than 50 percent of the professional engineer application fee in effect on the date of application.

(5) The delinquency fee at not more than 50 percent of the renewal fee in effect on the date of reinstatement.

(6) The board shall establish by regulation an appeal fee for examination. The regulation shall include provisions for an applicant to be reimbursed the appeal fee if the appeal results in passage of examination. The fee charged shall be no more than the costs incurred by the board.

(7) All other document fees are to be set by the board by rule.

(b) Applicants wishing to be examined in more than one branch of engineering shall be required to pay the additional fee for each examination after the first.

SEC. 10. Section 7835 of the Business and Professions Code is amended to read:

7835. All geologic plans, specifications, reports, or documents shall be prepared by a professional geologist or licensed certified specialty geologist, or by a subordinate employee under his or her direction. In addition, they shall be signed by the professional geologist or licensed certified specialty geologist and stamped with his or her seal, both of which shall indicate his or her responsibility for them.

SEC. 11. Section 7835.1 of the Business and Professions Code is amended to read:

7835.1. All geophysical plans, specifications, reports, or documents shall be prepared by a professional geophysicist, licensed certified specialty geophysicist, professional geologist, licensed certified specialty geologist, or by a subordinate employee under his or her direction. In addition, they shall be signed by the professional geophysicist, licensed certified specialty geophysicist, professional geologist, or licensed certified specialty geologist, and stamped with his or her seal, both of which shall indicate his or her responsibility for them.

SEC. 12. Section 7841 of the Business and Professions Code is amended to read:

7841. An applicant for licensure as a geologist shall have all the following qualifications:

(a) Not have committed any acts or crimes constituting grounds for denial of licensure under Section 480.

(b) Meet either of the following educational requirements fulfilled at a school or university whose curricula meet criteria established by rules of the board:

(1) Graduation from a college or university with a major in geological sciences or any other discipline that, in the opinion of the board, is relevant to geology.

(2) Completion of a combination of at least 30 semester hours, or the equivalent, in courses that, in the opinion of the board, are relevant to geology. At least 24 semester hours, or the equivalent, shall be in upper division or graduate courses.

(c) Have a documented record of a minimum of five years of professional geological experience of a character satisfactory to the board, demonstrating that the applicant is qualified to assume responsible charge of this work upon licensure as a geologist. This experience shall be gained under the supervision of a geologist or geophysicist licensed in this or any other state, or under the supervision of others who, in the opinion of the board, have the training and experience to have responsible charge of geological work. Professional geological work does not include routine sampling, laboratory work, or geological drafting.

Each year of undergraduate study in the geological sciences shall count as one-half year of training up to a maximum of two years, and each year of graduate study or research counts as a year of training.

Teaching in the geological sciences at college level shall be credited year for year toward meeting the requirement in this category, provided that the total teaching experience includes six semester units per semester, or equivalent if on the quarter system, of upper division or graduate courses.

Credit for undergraduate study, graduate study, and teaching, individually, or in any combination thereof, shall in no case exceed a total of three years towards meeting the requirement for at least five years of professional geological work as set forth above.

The ability of the applicant shall have been demonstrated by the applicant having performed the work in a responsible position, as the term “responsible position” is defined in regulations adopted by the board. The adequacy of the required supervision and experience shall be determined by the board in accordance with standards set forth in regulations adopted by it.

(d) Successfully pass a written examination that incorporates a national examination for geologists created by a nationally recognized entity approved by the board, and a supplemental California specific examination. The California specific examination shall test the applicant’s knowledge of state laws, rules and regulations, and of seismicity and geology unique to practice within this state.

SEC. 13. Section 7841.2 of the Business and Professions Code is amended to read:

7841.2. An applicant for certification as a geologist-in-training shall comply with all of the following:

(a) Not have committed acts or crimes constituting grounds for denial of certification under Section 480.

(b) Successfully pass the Fundamentals of Geology examination.

(c) Meet either of the following education requirements fulfilled at a school or university whose curricula meet criteria established by the rules of the board:

(1) Graduation from a college or university with a major in geological sciences or any other discipline that, in the opinion of the board, is relevant to geology.

(2) Completion of a combination of at least 30 semester hours, or the equivalent, in courses that, in the opinion of the board, are relevant to geology. At least 24 semester hours, or the equivalent, shall be in upper division or graduate courses.

SEC. 14. Section 7842 of the Business and Professions Code is amended to read:

7842. (a) An applicant for certification in a specialty in geology shall meet all of the requirements of Section 7841, shall be a geologist licensed under this chapter, and, in addition, his or her seven years of professional geological work shall include one of the following:

(1) A minimum of three years performed under the supervision of a geologist certified in the specialty for which the applicant is seeking certification or under the supervision of a licensed civil engineer if the applicant is seeking certification as an engineering geologist, except that prior to July 1, 1970, professional geological work shall qualify under this subdivision if it is performed under the supervision of a geologist qualified in the specialty for which the applicant is seeking certification or under the supervision of a licensed civil engineer if the applicant is seeking certification as an engineering geologist.

(2) A minimum of five years’ experience in responsible charge of professional geological work in the specialty for which the applicant is seeking certification.

(b) In addition to meeting the requirements of subdivision (a), an applicant for certification in a specialty of geology shall successfully pass a written examination in that specialty.

SEC. 15. Section 7843 of the Business and Professions Code is amended to read:

7843. (a) An applicant for certification as a geologist-in-training shall, upon meeting all the requirements prescribed in Section 7841.2, be issued a certificate as a geologist-in-training. A renewal or other fee, other than the application fee, shall not be charged for this certification. The certificate shall become invalid when the holder has qualified as a professional geologist as provided in Section 7841.

(b) A geologist-in-training certificate does not authorize the holder thereof to practice or offer to practice geology, in his or her own right, or to use the title specified in Section 7804.

(c) It is unlawful for anyone other than the holder of a valid geologist-in-training certificate issued under this chapter to use the title of “geologist-in-training” or any abbreviation of that title.

SEC. 16. Section 7850 of the Business and Professions Code is amended to read:

7850. Any applicant for licensure as a professional geologist who meets all the requirements prescribed in Section 7841 and who has otherwise qualified hereunder as a geologist, upon payment of the registration fee fixed by this chapter, shall have a certificate of registration issued to him or her as a professional geologist.

SEC. 17. Section 7850.1 of the Business and Professions Code is amended to read:

7850.1. Any applicant for licensure as a professional geophysicist who meets all the requirements prescribed in Section 7841.1 and who has otherwise qualified hereunder as a geophysicist, upon payment of the registration fee fixed by this chapter, shall have a certificate of registration issued to him or her as a professional geophysicist.

SEC. 18. Section 7850.5 of the Business and Professions Code is amended to read:

7850.5. An applicant for certification as a certified specialty geologist who meets all the requirements prescribed in Section 7842 and who has otherwise qualified under this chapter in the specialty, upon payment of the fee fixed by this chapter, shall have a certificate issued to him or her as a certified specialty geologist.

A certificate of certified specialty geologist shall be signed by the president and executive officer and issued under the seal of the board.

SEC. 19. Section 7852 of the Business and Professions Code is amended to read:

7852. (a) Each geologist licensed under this chapter shall, upon licensure, obtain a seal of the design authorized by the board bearing the licensee’s name, number of his or her certificate, and the legend “professional geologist.”

(b) Each specialty geologist certified under this chapter shall, upon certification, obtain a seal of the design authorized by the board bearing the licensee's name, number of his or her certificate, and the legend of the appropriate specialty in geology in which he or she is certified under this chapter.

SEC. 20. Section 7852.1 of the Business and Professions Code is amended to read:

7852.1. (a) Each geophysicist licensed under this chapter shall, upon licensure, obtain a seal of the design authorized by the board bearing the licensee's name, number of his or her certificate, and the legend "professional geophysicist."

(b) Each specialty geophysicist certified under this chapter shall, upon certification, obtain a seal of the design authorized by the board bearing the licensee's name, number of his or her certificate, and the legend of the appropriate specialty in geophysics in which he or she is certified under this chapter.

SEC. 21. Section 7884 of the Business and Professions Code is amended to read:

7884. Certificates of licensure as a geologist or as a geophysicist or certified specialty certificates which are not renewed within five years after expiration shall not be renewed, restored, reinstated, or reissued thereafter. The holder of that certificate may apply for and obtain a new certificate, however, if:

(a) He or she has not committed any acts or crimes constituting grounds for denial of licensure under Section 480.

(b) He or she takes and passes the examination, if any, which would be required of him or her if he or she were then applying for the certificate for the first time.

The board may, by regulation, provide for the waiver or refund of all or any part of the application fee in those cases in which a certificate is issued without an examination pursuant to this section.

SEC. 22. Section 8731 of the Business and Professions Code is amended to read:

8731. A licensed civil engineer and a civil engineer exempt from licensure under Chapter 7 (commencing with Section 6700) are exempt from licensing under this chapter and may engage in the practice of land surveying with the same rights and privileges and the same duties and responsibilities as a licensed land surveyor, provided that for civil engineers who become licensed after January 1, 1982, they shall obtain a license as a land surveyor under the provisions of this chapter, before practicing land surveying as defined in this chapter.

SEC. 23. Section 8740 of the Business and Professions Code is amended to read:

8740. (a) An application for a certificate as a land surveyor-in-training or for a license as a land surveyor shall be made to the board on the form prescribed by it, with all statements therein made under oath, and shall be accompanied by the fee fixed by this chapter.

(b) The board may authorize an organization specified by the board pursuant to Section 8745 to receive directly from applicants payment of the examination fees charged by that organization as payment for examination materials and services.

SEC. 24. Section 8741 of the Business and Professions Code is amended to read:

8741. (a) An applicant for certification as a land surveyor-in-training shall comply with all of the following:

(1) Not have committed acts or crimes constituting grounds for denial of licensure under Section 480.

(2) Successfully pass the first division of the examination.

(3) Satisfactorily complete two years or more of postsecondary education in land surveying, two years or more of experience in land surveying, or a combination of postsecondary education and experience in land surveying.

(b) The board need not verify the applicant's eligibility for certification as a land surveyor-in-training other than to require the applicant to sign a statement of eligibility on the application form.

(c) The board may prescribe by regulation reasonable educational or experience requirements for an applicant to meet the requirements in paragraph (3) of subdivision (a).

(d) An applicant for licensure as a professional land surveyor shall comply with all of the following:

(1) Not have committed acts or crimes constituting grounds for denial of licensure under Section 480.

(2) Furnish evidence that he or she meets the requirements of Section 8742.

(3) Successfully passed the second division of the examination.

(4) Be certified as a land surveyor-in-training in this state, be certified as a land surveyor-in-training or surveyor intern in another state or territory of the United States, or be exempt therefrom. An applicant licensed by the board as a civil engineer is exempt from the requirement of this paragraph.

(5) Be thoroughly familiar with (A) the procedure and rules governing the survey of public lands as set forth in Manual of Surveying Instructions (2009), published by the federal Bureau of Land Management, and (B) the principles of real property relating to boundaries and conveyancing.

SEC. 25. Section 8741.1 of the Business and Professions Code is amended to read:

8741.1. (a) The first division of the examination shall test the applicant's fundamental knowledge of surveying, mathematics, and basic science.

(b) The second division of the examination shall test the applicant's ability to apply his or her knowledge and experience and to assume responsible charge in the professional practice of land surveying.

The second division of the examination shall include an examination that incorporates a national examination for land surveying by a nationally recognized entity approved by the board and a supplemental California specific examination. The California specific examination shall include, as a separate part, an examination to test the applicant's knowledge of the

provisions of this chapter and the board's rules and regulations regulating the practice of professional land surveying in this state.

(c) The board may by rule provide a waiver of the first division of the examination for applicants whose education and experience qualifications substantially exceed the requirements of Section 8742.

(d) The board may by rule provide for a waiver of the second division of the examination and the assignment to a special examination for those applicants whose educational qualifications are equal to, and whose experience qualifications substantially exceed, those qualifications established under subdivision (c). The special examination may be either written or oral, or a combination of both.

SEC. 26. Section 8742 of the Business and Professions Code is amended to read:

8742. (a) The educational qualifications and experience in land surveying, which an applicant for a license as a land surveyor shall possess, shall not be less than one of the following prescribed criteria:

(1) Graduation from a four-year curriculum with an emphasis in land surveying approved by the board or accredited by a national or regional accrediting agency recognized by the United States Office of Education at a postsecondary educational institution and two years of actual broad based progressive experience in land surveying, including one year of responsible field training and one year of responsible office training, satisfactory to the board.

(2) Actual broad based progressive experience in land surveying for at least six years, including one year of responsible field training and one year of responsible office training, satisfactory to the board.

(3) Licensure as a civil engineer with two years of actual broad based progressive experience in land surveying satisfactory to the board.

(b) With respect to an applicant for a license as a land surveyor, the board shall count one year of postsecondary education in land surveying as one year of experience in land surveying up to a maximum of four years, provided the applicant has graduated from the course in land surveying and the curriculum in land surveying is approved by the board or is accredited by a regional or national accrediting agency recognized for the purpose by the United States Office of Education. Each year of study in an approved or an accredited course in land surveying without graduation shall be counted the same as one-half year of experience.

Each applicant claiming equivalent credit for education may be required to produce a complete transcript of all college level courses completed.

Until January 1, 2000, the board may, at its discretion, confer credit as experience in land surveying, not in excess of two years, for successfully passing the first division of the examination prescribed in Section 8741.1.

SEC. 27. Section 8743 of the Business and Professions Code is amended to read:

8743. The names and addresses of at least four land surveyors or civil engineers, duly qualified to practice in the place in which such practice has been conducted, each of whom has sufficient knowledge of the applicant

to enable him or her to certify to the applicant's professional integrity, ability and fitness to receive a license, shall be submitted with the application for a license as a land surveyor.

SEC. 28. Section 8744 of the Business and Professions Code is amended to read:

8744. The applicant for a license as a land surveyor shall state in his or her application that, should he or she be licensed, he or she will support the Constitution of this State and of the United States, and that he or she will faithfully discharge the duties of a licensed land surveyor.

SEC. 29. Section 8747 of the Business and Professions Code is amended to read:

8747. Any applicant who has met the requirements for certification or licensure prescribed by the board under this chapter shall have a suitable license issued to him or her.

(a) An applicant who has met the requirements of subdivision (a) and (b) of Section 8741 shall be issued a certificate as a land surveyor-in-training. A renewal or other fee, other than the application fee, shall not be charged for this certification. This certificate shall become invalid upon the person being issued a license as a land surveyor, as provided in subdivision (b). A land surveyor-in-training certificate shall not authorize the holder thereof to practice or offer to practice land surveying. A person shall not use the title of land surveyor-in-training, or any abbreviation of this title, unless he or she is the holder of a valid land surveyor-in-training certificate.

(b) An applicant who has met the requirements of subdivision (d) of Section 8741 shall be issued a license as a land surveyor. The license shall authorize him or her to practice as a land surveyor.

SEC. 30. Section 8748.5 of the Business and Professions Code is amended to read:

8748.5. If an applicant for license as a land surveyor or certification as a land surveyor-in-training is found by the board to lack the qualifications required for such license or certification, the board may, in accordance with the provisions of Section 158 of this code, refund to him or her one-half of the amount of his or her application fee.

SEC. 31. Section 8802 of the Business and Professions Code is amended to read:

8802. Except as otherwise provided in this article, licenses issued under this chapter may be renewed at any time within five years after expiration on filing of application for renewal on a form prescribed by the board and payment of all accrued and unpaid renewal fees. If the license is renewed more than 30 days after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the date provided in Section 8801 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

SEC. 32. Section 8803 of the Business and Professions Code is amended to read:

8803. (a) A license that is not renewed within five years after its expiration shall not be renewed, restored, reissued, or reinstated. After five years after expiration, the holder of a license may apply for and obtain a new license subject to the following:

(1) He or she has not committed any acts or crimes constituting grounds for denial of licensure under Section 480.

(2) He or she takes and passes the examination, if any, that would be required if applying for the license for the first time.

(b) The board may, by regulation, provide for the waiver or refund of all or any part of the application fee in those cases in which a license is issued without an examination pursuant to this section.

SEC. 33. Section 8803.1 of the Business and Professions Code is amended to read:

8803.1. Once an expired or delinquent license is renewed pursuant to Section 8802, all of the following apply:

(a) The board shall continue to have full jurisdiction and authority over the licensee as if the license had not expired or become delinquent.

(b) The work performed by the licensee during a period of expiration or delinquency shall be deemed lawful and validly performed as to persons or entities other than the licensee.

(c) The renewal of a license shall not affect liability issues regarding work performed during a period of expiration or delinquency, nor does the fact of performance during a period of expiration or delinquency affect liability issues.

SEC. 34. Section 8805 of the Business and Professions Code is amended to read:

8805. The amount of the fees prescribed by this chapter shall be fixed by the board in accordance with the following schedule:

(a) The fee for filing each application for licensure as a land surveyor at not more than four hundred dollars (\$400) and for each application for certification as a land surveyor-in-training (LSIT) at not more than one hundred dollars (\$100).

(b) The fees to take an examination administered by a public or private organization pursuant to Section 8745 shall be no greater than the actual cost of the development and administration of the examination and may be paid directly to the organization by the applicant.

(c) The renewal fee for a land surveyor at not more than four hundred dollars (\$400).

(d) The fee for a retired license at not more than 50 percent of the professional land surveyor application fee in effect on the date of application.

(e) The delinquency fee at not more than 50 percent of the renewal fee in effect on the date of reinstatement.

(f) The board shall establish by regulation an appeal fee for examination. The regulation shall include provisions for an applicant to be reimbursed

the appeal fee if the appeal results in passage of examination. The fee shall be no more than the costs incurred by the board.

(g) All other document fees are to be set by the board by rule.

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